

February 18, 2005

Mr. Dean Kunihiro
Senior Vice President
Waste Control Specialists LLC
Three Lincoln Center
5430 LBJ Freeway, Suite 1700
Dallas, Texas 75240

Re: Declaration of Administrative Completeness
Applicant Name: Waste Control Specialists LLC
Proposed Radioactive Material License: RW4100
Industrial Solid Waste Registration Number: 50358
EPA ID Number: TXD788088464
Customer Reference Number: CN600616890
Regulated Entity Number: RN104392790
Type of Authorization: Low-Level Radioactive Waste Disposal

Dear Mr. Kunihiro:

We have declared the above referenced application, received on August 4, 2004, administratively complete on February 18, 2005.

You are now required to publish notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- ☐ Notice for Newspaper Publication
- ☐ Instructions for Public Notice
- ☐ Affidavit of Publication
- ☐ Application Availability Verification Form

Please note that it is VERY IMPORTANT that you follow ALL directions in the ENCLOSED INSTRUCTIONS. If you do not, you may be required to republish the notice. One of the most common mistakes we see is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance, we want to highlight them for you.

1. Publish the enclosed notice within **30 calendar days** after your application is declared administratively complete. (See this letter's first paragraph for the declaration date.)
2. Place a copy of your application in a public place in the county where the facility is or will be located. This copy must be accessible to the public for review and copying and remain in place throughout the comment period.

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3. Return an original newspaper clipping of the notice, which shows publication date and newspaper name, to the Office of the Chief Clerk within **10 business days** after notice is published in the newspaper.
4. Return the original enclosed Affidavit Of Publication to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.
5. Return the Application Availability Verification Form to the Office of the Chief Clerk within **10 business days** after the end of the comment period.

If you do not comply with all requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions. Please note, as your application undergoes technical review, we may request additional information.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at 512-239-3300. If you have any other questions, please contact Mr. Johnny Bowers at (512) 239-6770.

Sincerely,

Donald D. Nelon, Team Leader
Air & Waste Applications Team
Permits Administrative Review (PAR) Section (MC-161)
Registration, Review, and Reporting Division

DDN/jdb

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DECLARATION OF ADMINISTRATIVE COMPLETENESS

PROPOSED LICENSE NUMBER RW4100

APPLICATION. Waste Control Specialists LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for a Radioactive Material License to authorize the disposal of low-level radioactive waste. Waste Control Specialists LLC is a commercial hazardous waste and radioactive material services company. The application requests authorization to license a compact waste disposal facility for disposal of low-level radioactive waste subject to the Texas Low-Level Radioactive Waste Disposal Compact. The application also requests authorization under a license for a federal facility waste disposal facility for disposal of low-level radioactive waste that is the responsibility of the federal government. The application also requests exemption from a Commission rule requirement in Title 30 Texas Administrative Code §336.734(a), relating to the ownership of land on which low-level radioactive waste is disposed. Specifically, Waste Control Specialists LLC requests exemption from the requirement that the state or federal government own the land on which low-level radioactive waste is disposed for the federal facility waste disposal facility. Also, Waste Control Specialists LLC requests exemption to allow the use of a surface-use agreement, in lieu of ownership of the mineral interests of the land on which low-level radioactive waste is disposed. The requests for exemptions will be processed with the application and considered by the Commission at the time of a final decision on the application. The land disposal facility is proposed to be located at 9998 West Highway 176 in Andrews County, Texas, approximately 30 miles west of Andrews. This application was submitted to the TCEQ on August 4, 2004. The license application is available for viewing and copying at the Andrews County Library located at 109 Northwest First Street in Andrews, Texas. The Web address link for viewing the application materials on the internet is:

<http://www.tnrcc.state.tx.us/permitting/wasteperm/uicrw/rad/>

The TCEQ Executive Director has determined the application is administratively complete and will prepare a written evaluation of the application. The TCEQ will conduct a public meeting in Andrews County to receive public comment on the administratively complete application. The TCEQ Executive Director will use the written evaluation and application materials to evaluate the application according to the statutory criteria established by Texas Health and Safety Code Sections 401.233-401.236. In accordance with Title 30, Texas Administrative Code, Section 336.813(d), the TCEQ Executive Director, based on the written evaluation and application materials, shall select the application that has the highest comparative merit for technical review. Because only one timely application has been received by the TCEQ, technical review of the one application will commence following the evaluation by the TCEQ Executive Director of the TCEQ staff written evaluation of the application and the application materials. Upon completion of technical review, the TCEQ Executive Director shall forward the draft license, technical summary, compliance summary, and, if applicable, the environmental analysis to the chief clerk of the TCEQ for issuance of public notice, or shall forward a recommendation to deny the application.

PUBLIC COMMENT / PUBLIC MEETING.

You may submit public comments on this application. The TCEQ will hold a public meeting on this application. Information concerning this meeting will be given in another public notice. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting is not a contested case hearing.

Written public comments must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087.

ADDITIONAL NOTICE. After the technical review of the application is completed, Notice of the Completion of Technical Review will be published and mailed to those who are on the county-wide mailing list and the mailing list for this applicant and application. That notice will contain the final deadline for submitting public comments and describe the procedure for requesting a contested case hearing from the commission.

MAILING LIST. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: (1) the mailing list for this specific application; (2) the permanent mailing list for a specific applicant name and license number; and/or (3) the permanent mailing list for a specific county. Clearly specify which mailing list(s) to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address above. Unless you otherwise specify, you will be included only on the mailing list for this specific application.

INFORMATION. If you need more information about this license application or the licensing process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. The mailing address is Office of Public Assistance, MC 108, TCEQ, P. O. Box 13087, Austin, TX 78711-3087. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us.

Further information may also be obtained from Waste Control Specialists LLC by calling Dean Kunihiro at (972) 448-1459. The applicant's mailing address is Waste Control Specialists LLC, Three Lincoln Center, 5430 LBJ Freeway, Suite 1700, Dallas, TX 75240.

Issuance Date: February 18, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



INSTRUCTIONS FOR PUBLIC NOTICE For Radioactive Materials License

NOTICE OF ADMINISTRATIVELY COMPLETE APPLICATION

Your application has been declared administratively complete and now you must comply with the following instructions:

Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice or affidavit of publication without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed Notice of Administratively Complete Application within **30 calendar days** after the date of administrative completeness.
- You must publish the enclosed Notice of Administratively Complete Application at your expense, at least once in a newspaper of largest circulation that is published in the county in which the facility is located or proposed to be located. If no newspaper is published in the county, then newspaper of general circulation in the county.
- The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Proof of Publication

- You must submit **original newspaper clipping(s)** of the published notice(s) which shows the date of publication and the name of the newspaper to the TCEQ Office of the Chief Clerk within **10 business days** after the date of publication.
- You must submit an **original publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit form.** The affidavit must clearly identify the applicant's name and license number.
- You are encouraged to submit the affidavit with the original newspaper clipping described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.

- The **original publisher's affidavit** and an **original newspaper clipping of the published notice** must be mailed to:

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clipping you send to the Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.

Failure to Publish and Submit Proof of Publication

If you fail to publish the notice or submit proof of publication on time, then the TCEQ may suspend further processing of your application or take other actions.

Application in a Public Place

- You must provide a copy of the administratively complete application at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- The administratively complete application must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the end of the comment period.
- During the technical review all application revisions shall be placed in the publically available copy of the application within **10 business days** from the date of the correspondence.
- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087".
- You must submit verification of application availability to the Office of the Chief Clerk within **10 business days** after end of the comment period.

General Information

When contacting the Commission regarding this application, please refer to the license number at the top of the *Notice of Declaration of Administratively Completeness*.

If you have questions or need assistance regarding publication of this notice, please contact the TCEQ Office of the Chief Clerk at (512) 239-3300.

If you wish to obtain an electronic copy, please contact the administrative reviewer that assisted in the preparation of this public notice package. The electronic copies are only available in WordPerfect and will include the instructions, affidavit and verification forms.

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: Waste Control Specialists LLC
License No.: RW4100
Notice of Administratively Complete Application

AFFIDAVIT OF PUBLICATION
FOR RADIOACTIVE MATERIAL LICENSE APPLICATION

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that said newspaper is
(name of newspaper)

(Please check applicable box)

☐ the newspaper of largest circulation of all newspapers that are published in
_____ County;

☐ the newspaper of general circulation in _____ County and there are no newspapers
published in said county ;

and that the attached notice was published in said newspaper on the following date(s): _____
_____.

Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,
20_____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

APPLICATION AVAILABILITY VERIFICATION FORM

Applicant Name: Waste Control Specialists LLC

Proposed Radioactive Material License No.: RW4100

APPLICATION AVAILABILITY *(you must check one box):*

- ☐ I certify that the permit application was made available for review and copying at a public place in the county where the facilities are or will be located in accordance with the provisions of 30 TAC §39.405(g)(1) .
- ☐ I certify that a copy of the complete permit application (including any subsequent revisions to the application), draft permit and the executive director's preliminary decision were made available for review and copying at a public place in the county where the facilities are or will be located in accordance with the provisions of 30 TAC §39.405(g)(2) as of the date of this verification.

Location where documents were made available: _____

Signed by: _____

Title: _____

Company: _____

Date: _____